



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003533
Applicant Name: Andrew Novion for Miklos Kohary, MZ Construction
Address of Proposal: 12030 28th Ave NE

SUMMARY OF PROPOSED ACTIONS

Master Use Permit to subdivide one parcel into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of two, two-unit townhouse structures (total of four units) has been approved under Project Number [2501054](#).

The following approval is required:

Short Subdivision to divide one parcel of land into four unit lots (unit subdivision).
(Chapter [23.24.045](#) , Seattle Municipal Code.)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

RELATED PROJECTS: Construction: # [2501054](#)

BACKGROUND DATA

Site and Vicinity Description

This 4201 square foot site is located in a residential Lowrise 3 zone (L3) in the Lake City neighborhood, on the east side of 28th Ave NE, midblock between NE 120th and 123rd Streets. The 28th Ave NE right-of-way has no curbs or sidewalks. The site is essentially flat, and it is not in a mapped Environmentally Critical Area.

Neighboring properties to the north and south are also zoned L3. Adjacent land to the northeast, east, and southeast is zoned Commercial 1 with a 65-foot height limit (C1-65). Land across 28th Ave NE is zoned residential Lowrise 1 (L1). The vicinity is developed mostly with a mix of low apartment buildings, single family homes, and low commercial buildings.

Proposal Description

The applicant proposes to subdivide the subject parcel of land into four unit lots (unit subdivision). Proposed unit lot sizes are:

- A) 1040 sq. ft.
- B) 1040 sq. ft.
- C) 1060 sq. ft.
- D) 1061 sq. ft.

Public Comments

The two-week comment period ended December 21, 2005. The project planner received no comment letters from the public. Demolition and construction involved a nondiscretionary review not subject to conditioning or appeal. This review is to facilitate fee-simple ownership of the individual townhouse units only.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section [23.24.045](#), Unit Subdivisions.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards.

This short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply (WAC [20051918](#)) and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an Environmentally Critical Area; therefore SMC [25.09.240](#) is not applicable. Tree retention was addressed during the review of the construction permit. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section [23.24.045](#), Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

The provisions of SMC Section [23.24.045](#) are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open*

space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

The approval of the building permit demonstrates that the development as a whole meets all applicable development standards. For ground related development, L3 zoning requires an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC [23.45.016 A3a1](#)). The proposed plat delineates the following amounts of qualifying open space:

- A) 225 sq. ft.
- B) 338 sq. ft.
- C) 358 sq. ft.
- D) 358 sq. ft.

The average size of the above open spaces is 320 square feet.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structures.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

The applicant has described the necessary easements for vehicular access to garages. A “joint use and maintenance agreement” for the property has been provided on plans and must be recorded for final approval of this unit subdivision.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking will be provided in private garages located beneath each unit. Each unit will have one garage parking space.

- F. *The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat,*

as recorded with the Director of the King County Department of Records and Elections.

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC [23.24.045](#) subject to the conditions imposed at the end of this decision. The development is two, two-unit townhouse structures (for a total of four units on-site). The structures, as reviewed under separate building permit, conform to the development standards for the time the permit application was vested.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Include the Joint Use/Maintenance Agreement on the final plat.
2. Include the required utility easements from Seattle City Light on the face of the plat and in the legal descriptions of the affected Unit Lots.
3. Post an address sign at a location visible from 28th Avenue NE to benefit all Unit Lots, and provide an easement, covenant, or other legal agreement on the final plat to ensure that the address signage is maintained.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the plat: *“The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit*

subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”

6. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: March 16, 2006

Scott A. Ringgold, Land Use Planner
Department of Planning and Development
Land Use Division

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